

REMARKS

Claims 1, 2, 4 to 8, 10, and 18 are now pending in the application. Claims 3 and 9 are cancelled. Claims 1 and 4 are amended, and now incorporate the subject matter of original Claims 3 and 9.

The amendments are made in compliance with the Examiner's suggestions in the Final Office Action mailed February 17, 2006. Accordingly, the Examiner is respectfully requested to reconsider the claims and withdraw the rejections in view of the amendments and remarks contained herein.

ALLOWABLE SUBJECT MATTER

Applicants thank the Examiner for allowing Claim 18. The Examiner also states that claims 3 and 9 would be allowable if rewritten in independent form. Accordingly, Applicants have amended base Claim 1 to include the limitations of Claim 3, and base Claim 4 to include the limitations of Claim 9. Therefore, Claims 1, 2, 4 to 8, 10, and 18 should now be in condition for allowance.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 2, 4 to 8, and 10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Breda (U.S. Pat. No. 6,325,089). This rejection is respectfully traversed.

Applicants respectfully submit that the Breda reference does not describe a first valve element with a first port, rotatably fixed to a second valve element with a second port, and a rotatable pressure balancer between the first and second valve elements. In contrast, the Breda reference describes a unitary lower insert 14, which houses a rotatable pressure balancer cartridge 16. See Figure 3, col. 5, lines 13-43, and col. 6,

lines 49-53. There are no elements in the Breda reference corresponding to the first and second valve elements of Claims 1 and 4. Accordingly, the Breda reference fails to disclose all elements of the rejected claims.

The Examiner's attention is further respectfully drawn to amended independent Claims 1 and 4, which now recite a supply valve "further comprising a sealing disc interposed between said first valve element and said pressure balancer." As stated at page 3 of the Final Office Action, the limitations recited in original Claims 3 and 9 (i.e. limitations reciting a sealing disc) are not described in the Breda reference. The Breda reference does not describe all the elements of the presently amended claims.

In light of the above arguments and amendments, Applicants respectfully submit that amended Claims 1 and 4, and all claims dependant thereon, are not anticipated by the Breda reference.

REJECTION UNDER 35 U.S.C. § 103

Claims 1, 2, 4 to 8, and 10 stand rejected under 35 U.S.C. § 103(a) as being anticipated by Breda (U.S. Pat. No. 6,325,089).

Applicants respectfully submit that there is no motivation or suggestion to modify the unitary lower insert 14 of Breda. It should be understood that lower complexity, e.g. fewer parts, is generally desired in production of any device. One of skill in the art would not be motivated to increase the number of parts required for assembly of the water valve of the Breda reference. Consequently, there is no suggestion or motivation to modify the unitary construction of the Breda lower insert.

Regardless, Claims 1 and 4 are now amended to incorporate the subject matter of original Claims 3 and 9. As stated above, the limitations recited in original Claims 3 and 9

are not described in the Breda reference. The reference does not describe all the elements of the amended claims. Nor would one of ordinary skill in the art be motivated to modify the Breda reference to include the rotatably fixed sealing disc recited in the amended claims.


Accordingly, Applicants respectfully request that the rejection based on § 103(a) be withdrawn.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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